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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,528	01/26/2004	Allen J. Budzichowski	03-12824	1034
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Cislo & Thomas LLP 1333 2nd Street Suite #500 Santa Monica, CA 90401-1211			EXAMINER BESROUR, SAOUSSEN	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/765,528

Applicant(s)

BUDZICHOWSKI, ALLEN J.

Examiner

Saoussen Besrou

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to amendment filed 10/29/2007. Claims 1, 9, 14, 23, 29 and 33 were amended. Claims 1-34 are pending. Applicant's arguments/amendments with respect to the claims have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

### *Response to Arguments*

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-34** rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (US 2003/0233296) in view of Smith (US 2002/0083008).

As per **claim 1**, Wagner discloses: a database comprising user identification information including verification from the Internal Revenue Service, the verification comprising an acknowledgement record from the Internal Revenue Service's master file that the user's tax return data was previously accepted by the Internal Revenue Service

for further processing (0011, 0038, 0070-0071, 0075-0078, 0079-0080). Wagner does not explicitly teach: an identification device configured to transmit said user identification information; and a terminal configured to receive said identification information from said identification device, and to communicate with said database; wherein said identification information from said identification device and said database are compared to verify the identity of the user. However, Smith discloses: an identification device configured to transmit said user identification information (0015); and a terminal configured to receive said identification information from said identification device, and to communicate with said database (0022, Lines 1-13); wherein said identification information from said identification device and said database are compared to verify the identity of the user (0022, Lines 13-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Smith in conjunction with the teachings of Wagner for the benefit of using Biometric information as a source of ID to enhance the security of Identity verification from the authorization of electronic transactions (0009-0010). The modification would have been obvious to one with ordinary skill in the art since Wagner states the use of some form of Federal ID (0079).

As per **claim 9**, Wagner discloses: providing a database comprising user identification information, wherein said identification information comprises a verification created by the Internal Revenue Service, the verification comprising an acknowledgement record from the Internal Revenue Service's master file that the user's tax return data was previously accepted by the Internal Revenue Service for further

processing (0011, 0038, 0070-0071, 0075-0078, 0079-0080). Wagner does not explicitly teach: issuing an identification device having said user identification information thereon; and comparing said one or more user identification information on said identification device to said user identification information in said database to verify identification of the user. However, Smith discloses: issuing an identification device having said user identification information thereon (0015); and comparing said one or more user identification information on said identification device to said user identification information in said database to verify identification of the user (0022, Lines 1-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Smith in conjunction with the teachings of Wagner for the benefit of using Biometric information as a source of ID to enhance the security of Identity verification from the authorization of electronic transactions (0009-0010). The modification would have been obvious to one with ordinary skill in the art since Wagner states the use of some form of Federal ID (0079).

As per **claim 14**, Smith et al. discloses: a database comprising user identification information comprising a verification from a government entity and digital information of a user, the verification comprising an acknowledgement record from the Internal Revenue Service's master file that the user's tax return data was previously accepted by the Internal Revenue Service for further processing (0011, 0038, 0070-0071, 0075-0078, 0079-0080). Wagner does not explicitly teach: an identification

device encoded with one or more of said user identification attributes; and a terminal configured to receive said one or more user identification attributes from said identification device, and to communicate with said database; wherein said identification attributes from said identification device and said database are compared to verify the identity of the user. However, Smith discloses: an identification device encoded with one or more of said user identification attributes (0015); and a terminal configured to receive said one or more user identification attributes from said identification device, and to communicate with said database (0022, Lines 1-13); wherein said identification attributes from said identification device and said database are compared to verify the identity of the user (0022, Lines 13-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Smith in conjunction with the teachings of Wagner for the benefit of using Biometric information as a source of ID to enhance the security of Identity verification from the authorization of electronic transactions (0009-0010). The modification would have been obvious to one with ordinary skill in the art since Wagner states the use of some form of Federal ID (0079).

As per **claim 23**, Wagner discloses: creating a database comprising user identification attributes (0011, 0038, 0070-0071, 0075-0078, 0079-0080); wherein said user identification attributes include a verification created by the Internal Revenue Service and a digital representation of the user the verification comprising an acknowledgement record from the Internal Revenue Service's master file that the user's

tax return data was previously accepted by the Internal Revenue Service for further processing (0011, 0038, 0070-0071, 0075-0078, 0079-0080). Wagner does not explicitly teach: providing an identification device configured to transmit user identification attributes; and comparing said one or more said user identification attributes from said identification device to said user identification attributes in said database to verify identification of the user. However Smith discloses: providing an identification device configured to transmit user identification attributes; and comparing said one or more said user identification attributes from said identification device to said user identification attributes in said database to verify identification of the user (0022). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Smith in conjunction with the teachings of Wagner for the benefit of using Biometric information as a source of ID to enhance the security of Identity verification from the authorization of electronic transactions (0009-0010). The modification would have been obvious to one with ordinary skill in the art since Wagner states the use of some form of Federal ID (0079).

As per **claim 29**, Smith et al. discloses: receiving a verification of the identity of the user from the Internal Revenue Service, the verification comprising an acknowledgement record from the Internal Revenue Service's master file that the user's tax return data was previously accepted by the Internal Revenue Service for further processing (0011, 0038, 0070-0071, 0075-0078, 0079-0080); creating a database of user verification from the Internal Revenue user (0011, 0038, 0070-0071, 0075-0078,

0079-0080). Wagner does not explicitly teach: obtaining a digital representation of the user; encoding one or more of identification device; and identification Service and information, comprising said digital representation of the said user identification information onto an verifying the identity of the user by identification information on said comparing said one or more user identification device to said user identification information in said database. However, Smith discloses: obtaining a digital representation of the user (0023, 0027); encoding one or more of identification device (0013-0014, 0015, 0016, Lines 8-10, 0021, Lines 3-9); and identification Service and information, comprising said digital representation of the said user identification information onto an verifying the identity of the user by identification information on said comparing said one or more user identification device to said user identification information in said database (0015, 0022, Lines 1-20, 0015, 0027). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Smith in conjunction with the teachings of Wagner for the benefit of using Biometric information as a source of ID to enhance the security of Identity verification from the authorization of electronic transactions (0009-0010). The modification would have been obvious to one with ordinary skill in the art since Wagner states the use of some form of Federal ID (0079).

As per **claim 33**, Wagner discloses: receiving an identification verification of the user from the Internal Revenue Service, the identification information including acknowledgment record from the Internal Revenue Service that the user's tax return



data was previously verified and accepted by the Internal Revenue Service (0011, 0038, 0070-0071, 0075-0078, 0079-0080); creating a database comprising user identification attributes, which comprises said identification verification from the Internal Revenue Service (0011, 0038, 0070-0071, 0075-0078, 0079-0080). Wagner does not explicitly teach: encoding one or more of said user identification attributes onto an identification device; and comparing said one or more user identification attributes on said identification device to said user identification attributes in said database to verify identification of the user. However, Smith discloses: encoding one or more of said user identification attributes onto an identification device (0015); and comparing said one or more user identification attributes on said identification device to said user identification attributes in said database to verify identification of the user (0022, Lines 1-20).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Smith in conjunction with the teachings of Wagner for the benefit of using Biometric information as a source of ID to enhance the security of Identity verification from the authorization of electronic transactions (0009-0010). The modification would have been obvious to one with ordinary skill in the art since Wagner states the use of some form of Federal ID (0079).

As per **claim 2**, rejected as applied to claim 1. Furthermore, Smith et al. discloses: wherein said information further comprises a pictorial representation of the user, name, date of birth, hair color, eye color, height, or weight of the user (0023).

As per **claims 3, 12, 17 and 34**, rejected as applied to claims 1, 9, 14, and 33. Furthermore, Smith et al. discloses: a digital representation of the user (0023, 0027).

As per **claims 4, 16, 18 and 24**, rejected as applied to claims 3, 14, 17 and 23. Furthermore, Smith et al. discloses: digital picture, fingerprint or retinal scan (0027, Lines 7).

As per **claims 5, 19, 25 and 30**, rejected as applied to claims 1, 14, 23 and 29. Furthermore, Smith et al. discloses: wherein said identification device comprises magnetic material (0031 cryptocard).

As per **claims 6, 20 and 26**, rejected as applied to claims 1, 14 and 23. Furthermore, Smith et al. discloses: a microchip (0015, Lines 14).

As per **claims 7, 21, 27 and 31**, rejected as applied to claims 1, 14, 23 and 29. Furthermore, Smith et al. discloses: a point of sale terminal (0031, 0038) and a reading device configured to receive said user identification information from said identification device (0031, 0038).

As per **claims 8, 22, 28 and 32**, rejected as applied to claims 1, 14, 28 and 32. Furthermore, Smith et al. discloses: wherein said identification device is a bankcard, credit card or identification card (0015, 0014, 0031).

As per **claim 10**, rejected as applied to claim 9. Furthermore, Smith et al. discloses: filing an electronic tax return for the user or opening an account by a bank (0013).

As per **claim 11**, rejected as applied to claim 9. Furthermore, Smith et al. discloses: receiving a verification of the identity of the user from the Internal Revenue Service (Fig. 1 #15).

As per **claim 13**, rejected as applied to claim 9. Furthermore, Smith et al. discloses said comparing is accomplished at least in part by a terminal (Fig. 1 #15).

As per **claim 15**, rejected as applied to claim 14. Furthermore, Smith et al. discloses: said government entity is the Internal Revenue Service (0015, Lines 2 social security).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrouer whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB  
January 2, 2008

  
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